

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JUDY HARPER, )  
 )  
Plaintiff, )  
 )  
Vs. ) CIVIL ACTION  
 ) FILE NO. 1:08-CV-3905-JEC-ECS  
EQUIFIRST CORPORATION, EFC )  
HOLDINGS, RTL FINANCIAL, )  
HOMEQ SERVICING, and SELENE )  
FINANCE LP, )  
 )  
Defendants. )

**ANSWER AND AFFIRMATIVE DEFENSES OF  
SELENE FINANCE LP TO AMENDED COMPLAINT**

COMES NOW Defendant SELENE FINANCE LP, subject to and without waiving any defenses it has or it may have to this action, and hereby files this its Answer and Affirmative Defenses to Plaintiff's Amended Complaint, showing this honorable Court as follows:

**FIRST DEFENSE**

Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

Defendant asserts the defenses of fraud, deceit, and breach of fiduciary or contractual duties.

**THIRD DEFENSE**

Defendant has neither acted in bad faith, nor been stubbornly litigious, nor caused the Plaintiff any unnecessary

trouble or expense.

FOURTH DEFENSE

Defendant pleads the affirmative defenses of estoppel, laches, waiver, ratification, and/or acquiescence.

FIFTH DEFENSE

Defendant asserts the defense that it has conformed in good faith with all rules, regulations and interpretations applicable to Plaintiff's allegations in this case.

SIXTH DEFENSE

Defendant asserts the defense that any error or violation that may have occurred in this case was not intentional and resulted from a *bona fide* error notwithstanding the maintenance of procedures reasonably adapted to avoid such an error.

SEVENTH DEFENSE

Defendant asserts the defense of the statute of limitations.

EIGHTH DEFENSE

Defendant asserts the defense that while denying that any violation occurred, any such supposed violation was *de minimus* or technical in nature, and Defendant has substantially complied with all applicable statutes and regulations.

NINTH DEFENSE

Defendant asserts the defense of failure of conditions precedent.

TENTH DEFENSE

Defendant asserts the defense that all required notices have not been properly given by Plaintiff.

ELEVENTH DEFENSE

Defendant asserts the defense that Plaintiff has failed to tender or remit all amounts due as a condition of rescission.

TWELFTH DEFENSE

Plaintiff is not able to seek equity from this Court because Plaintiff has unclean hands.

THIRTEENTH DEFENSE

Plaintiff is not able to seek equity from this Court because he who would have equity must do equity, and must give effect to all equitable rights of the other party respecting the subject matter of the action.

FOURTEENTH DEFENSE

Plaintiff is not able to seek equity from this Court because Plaintiff has failed to first timely tender all amounts admittedly due under the loan agreement at issue herein.

FIFTEENTH DEFENSE

Plaintiff is not able to seek equity from this Court because the operation of the general rules of law are not and would not be deficient in protecting Plaintiff from anticipated wrongs or relieving for injuries allegedly done.

SIXTEENTH DEFENSE

Defendant asserts the defense that Plaintiff was and is admittedly in breach of the contract and has not complied with the specific terms of the contract.

SEVENTEENTH DEFENSE

Defendant asserts that Plaintiff's Amended Complaint is barred for failure to plead fraud or special damages with particularity as required by Fed.R.Civ.P. 9(b).

EIGHTEENTH DEFENSE

Defendant is merely the servicer of the loan in question as admitted *in judicio* by Plaintiff and consequently has no liability under the Truth-in-Lending Act.

NINETEENTH DEFENSE

There has been no impact or physical contact between Plaintiff and any Defendant or any representative of Defendant; consequently Plaintiff should be denied any damages sought.

TWENTIETH DEFENSE

Defendant reserves the right to amend this Answer to add any additional affirmative defenses which may become available to it in the future.

TWENTY-FIRST DEFENSE

Subject to and without waiving the foregoing affirmative defenses, which are incorporated into each response below as if fully set forth therein verbatim, Defendant responds

individually to the allegations contained in Plaintiff's Amended Complaint as follows:

PRELIMINARY STATEMENT

1. Defendant denies the allegations contained in Paragraph 1 of Plaintiff's Amended Complaint.

JURISDICTION

2. Defendant denies the allegations contained in Paragraph 2 of Plaintiff's Amended Complaint.

3. Defendant denies the allegations contained in Paragraph 3 of Plaintiff's Amended Complaint.

PARTIES

4. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 4 of Plaintiff's Amended Complaint.

5. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 5 of Plaintiff's Amended Complaint.

6. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 6 of Plaintiff's Amended Complaint.

7. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 7 of Plaintiff's Amended Complaint.

8. Defendant after reasonable inquiry can neither admit nor

deny the allegations contained in Paragraph 8 of Plaintiff's Amended Complaint.

9. Defendant admits the allegations contained in Paragraph 9 of Plaintiff's Amended Complaint.

FACTUAL ALLEGATIONS

10. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 10 of Plaintiff's Amended Complaint.

11. Defendant denies the allegations contained in Paragraph 11 of Plaintiff's Amended Complaint.

12. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 12 of Plaintiff's Amended Complaint.

13. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 13 of Plaintiff's Amended Complaint.

14. Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Amended Complaint.

15. (the unnumbered allegations contained on page 3 of the Amended Complaint) Defendant after reasonable inquiry can neither admit nor deny any of the unnumbered allegations contained on page 3 of Plaintiff's Amended Complaint, with the exception being that Defendant denies that "In the month of November 2008, Defendant Home Eq [sic] Servicing sold the

Plaintiff's Mortgage to Defendant Selene" and denies that "Plaintiff notified Selene on December, 2008 [sic] that the loan had been rescinded".

FIRST CAUSE OF ACTION

(unnumbered allegations contained on the top of page 4 of the Amended Complaint) Defendant denies all unnumbered allegations contained on the top of page 4 of the Amended Complaint under the heading "First Cause of Action-Violation of Truth in Lending Act", and specifically denies that this consumer credit transaction was subject to the Plaintiff's right of rescission as described by "15 U.S.C...[sic] 1635 and Regulation Z 226.23 (12 C.F.R. 226.23)".

16. Defendant denies the allegations contained in Paragraph 16 on page 4 of Plaintiff's Amended Complaint, including all sub-parts thereto.

17. Defendant denies the allegations contained in Paragraph 17 on page 4 of Plaintiff's Amended Complaint, including all sub-parts thereto.

18. Defendant denies the allegations contained in Paragraph 18 of Plaintiff's Amended Complaint (misnumbered as Paragraph 15 on page 4 of Plaintiff's Amended Complaint).

19. Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Amended Complaint (misnumbered as Paragraph 16 on page 5 of Plaintiff's Amended Complaint), including all sub-

parts thereto.

20. Defendant denies the allegations contained in Paragraph 20 of Plaintiff's Amended Complaint (misnumbered as Paragraph 17 on page 5 of Plaintiff's Amended Complaint), including all sub-parts thereto.

21. Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Amended Complaint (misnumbered as Paragraph 18 on page 5 of Plaintiff's Amended Complaint).

22. Defendant denies the allegations contained in Paragraph 22 of Plaintiff's Amended Complaint (misnumbered as Paragraph 19 on page 5 of Plaintiff's Amended Complaint).

23. Defendant denies the allegations contained in Paragraph 23 of Plaintiff's Amended Complaint (misnumbered as Paragraph 20 on page 5 of Plaintiff's Amended Complaint).

24. Defendant denies the allegations contained in Paragraph 24 of Plaintiff's Amended Complaint (misnumbered as Paragraph 21 on page 6 of Plaintiff's Amended Complaint).

25. Defendant denies the allegations contained in Paragraph 25 of Plaintiff's Amended Complaint (misnumbered as Paragraph 22 on page 6 of Plaintiff's Amended Complaint).

26. Defendant denies the allegations contained in Paragraph 26 of Plaintiff's Amended Complaint (misnumbered as Paragraph 23 on page 6 of Plaintiff's Amended Complaint).

27. Defendant denies the allegations contained in Paragraph 27



of Plaintiff's Amended Complaint (misnumbered as Paragraph 24 on page 6 of Plaintiff's Amended Complaint), including all sub-parts thereto.

SECOND CAUSE OF ACTION

28. Defendant realleges and reincorporates by reference herein Paragraphs 1-27 of this Answer.

29. Defendant denies the allegations contained in Paragraph 29 of Plaintiff's Amended Complaint (misnumbered as Paragraph 26 on page 6 of Plaintiff's Amended Complaint).

30. Defendant denies the allegations contained in Paragraph 30 of Plaintiff's Amended Complaint (misnumbered as Paragraph 27 on page 6 of Plaintiff's Amended Complaint).

31. Defendant denies the allegations contained in Paragraph 31 of Plaintiff's Amended Complaint (misnumbered as Paragraph 28 on page 7 of Plaintiff's Amended Complaint).

32. Defendant denies the allegations contained in Paragraph 32 of Plaintiff's Amended Complaint (misnumbered as Paragraph 29 on page 7 of Plaintiff's Amended Complaint).

33. Defendant denies the allegations contained in Paragraph 33 of Plaintiff's Amended Complaint (misnumbered as Paragraph 30 on page 7 of Plaintiff's Amended Complaint).

34. Defendant denies the allegations contained in Paragraph 34 of Plaintiff's Amended Complaint (misnumbered as Paragraph 31 on page 7 of Plaintiff's Amended Complaint).

35. Defendant denies the allegations contained in Paragraph 35 of Plaintiff's Amended Complaint (misnumbered as Paragraph 32 on page 7 of Plaintiff's Amended Complaint).

36. Defendant denies the allegations contained in Paragraph 36 of Plaintiff's Amended Complaint (misnumbered as Paragraph 33 on page 7 of Plaintiff's Amended Complaint).

37. Defendant denies the allegations contained in Paragraph 37 of Plaintiff's Amended Complaint (misnumbered as Paragraph 34 on page 7 of Plaintiff's Amended Complaint).

38. Defendant denies the allegations contained in Paragraph 38 of Plaintiff's Amended Complaint (misnumbered as Paragraph 35 on page 7 of Plaintiff's Amended Complaint).

39. Defendant denies the allegations contained in Paragraph 39 of Plaintiff's Amended Complaint (misnumbered as Paragraph 36 on page 7 of Plaintiff's Amended Complaint).

40. Defendant denies the allegations contained in Paragraph 40 of Plaintiff's Amended Complaint (misnumbered as Paragraph 37 on page 7 of Plaintiff's Amended Complaint).

41. Defendant denies the allegations contained in Paragraph 41 of Plaintiff's Amended Complaint (misnumbered as Paragraph 38 on page 7 of Plaintiff's Amended Complaint).

42. Defendant denies the allegations contained in Paragraph 42 of Plaintiff's Amended Complaint (misnumbered as Paragraph 39 on page 7 of Plaintiff's Amended Complaint).

43. Defendant denies the allegations contained in Paragraph 43 of Plaintiff's Amended Complaint (misnumbered as Paragraph 40 on page 7 of Plaintiff's Amended Complaint).

44. Defendant denies the allegations contained in Paragraph 44 of Plaintiff's Amended Complaint (misnumbered as Paragraph 41 on page 8 of Plaintiff's Amended Complaint).

45. Defendant denies the allegations contained in Paragraph 45 of Plaintiff's Amended Complaint (misnumbered as Paragraph 42 on page 8 of Plaintiff's Amended Complaint).

46. Defendant denies the allegations contained in Paragraph 46 of Plaintiff's Amended Complaint (misnumbered as Paragraph 43 on page 8 of Plaintiff's Amended Complaint).

47. Defendant denies the allegations contained in Paragraph 47 of Plaintiff's Amended Complaint (misnumbered as Paragraph 44 on page 8 of Plaintiff's Amended Complaint).

48. Defendant denies the allegations contained in Paragraph 48 of Plaintiff's Amended Complaint (misnumbered as Paragraph 45 on page 8 of Plaintiff's Amended Complaint).

49. Defendant denies the allegations contained in Paragraph 49 of Plaintiff's Amended Complaint (misnumbered as Paragraph 46 on page 8 of Plaintiff's Amended Complaint).

#### FOURTH CAUSE OF ACTION

50. Defendant realleges and reincorporates by reference herein Paragraphs 1-49 of this Answer.

51. Defendant denies the allegations contained in Paragraph 51 of Plaintiff's Amended Complaint (misnumbered as Paragraph 48 on page 8 of Plaintiff's Amended Complaint).

52. Defendant denies the allegations contained in Paragraph 52 of Plaintiff's Amended Complaint (misnumbered as Paragraph 49 on page 8 of Plaintiff's Amended Complaint).

53. Defendant denies the allegations contained in Paragraph 53 of Plaintiff's Amended Complaint (misnumbered as Paragraph 50 on page 9 of Plaintiff's Amended Complaint).

54. Defendant denies the allegations contained in Paragraph 54 of Plaintiff's Amended Complaint (misnumbered as Paragraph 51 on page 9 of Plaintiff's Amended Complaint).

FIFTH CAUSE OF ACTION

55. Defendant realleges and reincorporates by reference herein Paragraphs 1-54 of this Answer.

56. Defendant denies the allegations contained in Paragraph 49 of Plaintiff's Amended Complaint (misnumbered as Paragraph 46 on page 9 of Plaintiff's Amended Complaint).

57. Defendant denies the allegations contained in Paragraph 49 of Plaintiff's Amended Complaint (misnumbered as Paragraph 46 on page 9 of Plaintiff's Amended Complaint).

58. Defendant denies the allegations contained in Paragraph 49 of Plaintiff's Amended Complaint (misnumbered as Paragraph 46 on page 9 of Plaintiff's Amended Complaint).

SIXTH CAUSE OF ACTION

59. Defendant realleges and reincorporates by reference herein Paragraphs 1-58 of this Answer.

60. Defendant denies the allegations contained in Paragraph 60 of Plaintiff's Amended Complaint (misnumbered as Paragraph 57 on page 10 of Plaintiff's Amended Complaint).

61. Defendant denies the allegations contained in Paragraph 61 of Plaintiff's Amended Complaint (misnumbered as Paragraph 58 on page 10 of Plaintiff's Amended Complaint).

62. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 62 of Plaintiff's Amended Complaint (misnumbered as Paragraph 59 on page 10 of Plaintiff's Amended Complaint).

63. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 63 of Plaintiff's Amended Complaint (misnumbered as Paragraph 60 on page 10 of Plaintiff's Amended Complaint).

64. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 64 of Plaintiff's Amended Complaint (misnumbered as Paragraph 61 on page 10 of Plaintiff's Amended Complaint).

65. Defendant denies the allegations contained in Paragraph 65 of Plaintiff's Amended Complaint (misnumbered as Paragraph 62 on page 10 of Plaintiff's Amended Complaint).

66. Defendant denies the allegations contained in Paragraph 66 of Plaintiff's Amended Complaint (misnumbered as Paragraph 63 on page 10 of Plaintiff's Amended Complaint).

SEVENTH CAUSE OF ACTION

67. Defendant realleges and reincorporates by reference herein Paragraphs 1-66 of this Answer.

68. Defendant denies the allegations contained in Paragraph 68 of Plaintiff's Amended Complaint (misnumbered as Paragraph 65 on page 11 of Plaintiff's Amended Complaint).

EIGHTH CAUSE OF ACTION

69. Defendant realleges and reincorporates by reference herein Paragraphs 1-68 of this Answer.

70. Defendant denies the allegations contained in Paragraph 70 of Plaintiff's Amended Complaint (misnumbered as Paragraph 67 on page 11 of Plaintiff's Amended Complaint).

71. Defendant denies the allegations contained in Paragraph 71 of Plaintiff's Amended Complaint (misnumbered as Paragraph 68 on page 11 of Plaintiff's Amended Complaint).

72. Defendant denies the allegations contained in Paragraph 72 of Plaintiff's Amended Complaint (misnumbered as Paragraph 69 on page 11 of Plaintiff's Amended Complaint).

73. Defendant denies the allegations contained in Paragraph 73 of Plaintiff's Amended Complaint (misnumbered as Paragraph 70 on page 12 of Plaintiff's Amended Complaint).

74. Defendant denies the allegations contained in Paragraph 74 of Plaintiff's Amended Complaint (misnumbered as Paragraph 71 on page 12 of Plaintiff's Amended Complaint).

75. Defendant denies the allegations contained in Paragraph 75 of Plaintiff's Amended Complaint (misnumbered as Paragraph 72 on page 12 of Plaintiff's Amended Complaint).

76. Defendant denies the allegations contained in Paragraph 76 of Plaintiff's Amended Complaint (misnumbered as Paragraph 73 on page 12 of Plaintiff's Amended Complaint).

77. Defendant denies the allegations contained in Paragraph 77 of Plaintiff's Amended Complaint (misnumbered as Paragraph 74 on page 12 of Plaintiff's Amended Complaint).

78. Defendant denies the allegations contained in Paragraph 78 of Plaintiff's Amended Complaint (misnumbered as Paragraph 75 on page 12 of Plaintiff's Amended Complaint).

79. Defendant denies the allegations contained in Paragraph 79 of Plaintiff's Amended Complaint (misnumbered as Paragraph 76 on page 6 of Plaintiff's Amended Complaint).

80. Defendant denies the allegations contained in Paragraph 80 of Plaintiff's Amended Complaint (misnumbered as Paragraph 77 on page 6 of Plaintiff's Amended Complaint).

81. Defendant denies the allegations contained in Paragraph 81 of Plaintiff's Amended Complaint (misnumbered as Paragraph 78 on page 12 of Plaintiff's Amended Complaint).

82. Defendant denies the allegations contained in Paragraph 82 of Plaintiff's Amended Complaint (misnumbered as Paragraph 79 on page 12 of Plaintiff's Amended Complaint).

83. Defendant denies the allegations contained in Paragraph 83 of Plaintiff's Amended Complaint (misnumbered as Paragraph 80 on page 12 of Plaintiff's Amended Complaint).

84. Defendant denies the allegations contained in Paragraph 84 of Plaintiff's Amended Complaint (misnumbered as Paragraph 81 on page 13 of Plaintiff's Amended Complaint).

85. Defendant denies the allegations contained in Paragraph 85 of Plaintiff's Amended Complaint (misnumbered as Paragraph 82 on page 13 of Plaintiff's Amended Complaint), including all subparts thereto.

#### NINTH CAUSE OF ACTION

86. Defendant realleges and reincorporates by reference herein Paragraphs 1-85 of this Answer.

87. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 87 of Plaintiff's Amended Complaint (misnumbered as Paragraph 84 on page 13 of Plaintiff's Amended Complaint).

88. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 88 of Plaintiff's Amended Complaint (misnumbered as Paragraph 85 on page 13 of Plaintiff's Amended Complaint).



89. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 89 of Plaintiff's Amended Complaint (misnumbered as Paragraph 86 on page 13 of Plaintiff's Amended Complaint).
90. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 90 of Plaintiff's Amended Complaint (misnumbered as Paragraph 87 on page 13 of Plaintiff's Amended Complaint).
91. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 91 of Plaintiff's Amended Complaint (misnumbered as Paragraph 88 on page 13 of Plaintiff's Amended Complaint).
92. Defendant after reasonable inquiry can neither admit nor deny the allegations contained in Paragraph 92 of Plaintiff's Amended Complaint (misnumbered as Paragraph 89 on page 13 of Plaintiff's Amended Complaint), including all subparts thereto.

TENTH CAUSE OF ACTION

93. Defendant realleges and reincorporates by reference herein Paragraphs 1-92 of this Answer.
94. Defendant denies the allegations contained in Paragraph 94 of Plaintiff's Amended Complaint (misnumbered as Paragraph 91 on page 14 of Plaintiff's Amended Complaint).

95. Defendant denies the allegations contained in Paragraph 95 of Plaintiff's Amended Complaint (misnumbered as Paragraph 92 on page 14 of Plaintiff's Amended Complaint).
96. Defendant denies the allegations contained in Paragraph 96 of Plaintiff's Amended Complaint (misnumbered as Paragraph 93 on page 14 of Plaintiff's Amended Complaint).
97. Defendant denies the allegations contained in Paragraph 97 of Plaintiff's Amended Complaint (misnumbered as Paragraph 94 on page 14 of Plaintiff's Amended Complaint).
98. Defendant denies the allegations contained in Paragraph 98 of Plaintiff's Amended Complaint (misnumbered as Paragraph 95 on page 14 of Plaintiff's Amended Complaint).
99. Defendant denies the allegations contained in Paragraph 99 of Plaintiff's Amended Complaint (misnumbered as Paragraph 96 on page 14 of Plaintiff's Amended Complaint).
100. Defendant denies the allegations contained in Paragraph 100 of Plaintiff's Amended Complaint (misnumbered as Paragraph 97 on page 15 of Plaintiff's Amended Complaint).

101. Defendant denies the allegations contained in Paragraph 101 of Plaintiff's Amended Complaint (misnumbered as Paragraph 98 on page 15 of Plaintiff's Amended Complaint).

102. Defendant denies the allegations contained in Paragraph 102 of Plaintiff's Amended Complaint (misnumbered as Paragraph 99 on page 15 of Plaintiff's Amended Complaint).

103. Defendant denies the allegations contained in Paragraph 103 of Plaintiff's Amended Complaint (misnumbered as Paragraph 100 on page 15 of Plaintiff's Amended Complaint).

104. Defendant denies the allegations contained in Paragraph 104 of Plaintiff's Amended Complaint (misnumbered as Paragraph 101 on page 15 of Plaintiff's Amended Complaint).

ELEVENTH CAUSE OF ACTION

105. Defendant realleges and reincorporates by reference herein Paragraphs 1-104 of this Answer.

106. Defendant denies the allegations contained in Paragraph 106 of Plaintiff's Amended Complaint (misnumbered as Paragraph 104 on page 15 of Plaintiff's Amended Complaint).

107. Defendant denies the allegations contained in Paragraph

- 107 of Plaintiff's Amended Complaint (misnumbered as Paragraph 105 on page 15 of Plaintiff's Amended Complaint).
108. Defendant denies the allegations contained in Paragraph 108 of Plaintiff's Amended Complaint (misnumbered as Paragraph 106 on page 15 of Plaintiff's Amended Complaint).
109. Defendant denies the allegations contained in Paragraph 109 of Plaintiff's Amended Complaint (misnumbered as Paragraph 107 on page 16 of Plaintiff's Amended Complaint).
110. Defendant denies the allegations contained in Paragraph 110 of Plaintiff's Amended Complaint (misnumbered as Paragraph 108 on page 16 of Plaintiff's Amended Complaint).
111. Defendant denies the allegations contained in Paragraph 111 of Plaintiff's Amended Complaint (misnumbered as Paragraph 109 on page 16 of Plaintiff's Amended Complaint).
112. Defendant denies the allegations contained in Paragraph 112 of Plaintiff's Amended Complaint (misnumbered as Paragraph 110 on page 16 of Plaintiff's Amended Complaint).
113. Defendant denies the allegations contained in Paragraph

113 of Plaintiff's Amended Complaint (misnumbered as Paragraph 111 on page 16 of Plaintiff's Amended Complaint).

ELEVENTH [sic] CAUSE OF ACTION

114. Defendant realleges and reincorporates by reference herein Paragraphs 1-113 of this Answer.

115. Defendant denies the allegations contained in Paragraph 115 of Plaintiff's Amended Complaint (misnumbered as Paragraph 113 on page 17 of Plaintiff's Amended Complaint).

116. Defendant denies the allegations contained in Paragraph 116 of Plaintiff's Amended Complaint (misnumbered as Paragraph 114 on page 17 of Plaintiff's Amended Complaint).

117. Defendant denies the allegations contained in Paragraph 117 of Plaintiff's Amended Complaint (misnumbered as Paragraph 115 on page 17 of Plaintiff's Amended Complaint).

118. Defendant denies the allegations contained in Paragraph 118 of Plaintiff's Amended Complaint (misnumbered as Paragraph 116 on page 17 of Plaintiff's Amended Complaint).

119. Defendant denies the allegations contained in Paragraph 119 of Plaintiff's Amended Complaint (misnumbered as

Paragraph 117 on page 17 of Plaintiff's Amended Complaint).

120. Defendant denies the allegations contained in Paragraph 120 of Plaintiff's Amended Complaint (misnumbered as Paragraph 118 on page 17 of Plaintiff's Amended Complaint).

TWELFTH [sic] CAUSE OF ACTION

121. Defendant realleges and reincorporates by reference herein Paragraphs 1-120 of this Answer.

122. Defendant denies the allegations contained in Paragraph 122 of Plaintiff's Amended Complaint (misnumbered as Paragraph 120 on page 17 of Plaintiff's Amended Complaint).

123. Defendant denies the allegations contained in Paragraph 123 of Plaintiff's Amended Complaint (misnumbered as Paragraph 121 on page 17 of Plaintiff's Amended Complaint).

124. Defendant denies the allegations contained in Paragraph 124 of Plaintiff's Amended Complaint (misnumbered as Paragraph 122 on page 18 of Plaintiff's Amended Complaint).

THIRTEENTH [sic] CAUSE OF ACTION

125. Defendant realleges and reincorporates by reference herein Paragraphs 1-124 of this Answer.

126. Defendant denies the allegations contained in Paragraph 126 of Plaintiff's Amended Complaint (misnumbered as Paragraph 124 on page 18 of Plaintiff's Amended Complaint).

127. Defendant denies the allegations contained in Paragraph 127 of Plaintiff's Amended Complaint (misnumbered as Paragraph 125 on page 18 of Plaintiff's Amended Complaint).

128. Defendant denies the allegations contained in Paragraph 128 of Plaintiff's Amended Complaint (misnumbered as Paragraph 126 on page 18 of Plaintiff's Amended Complaint).

129. Defendant denies the allegations contained in Paragraph 129 of Plaintiff's Amended Complaint (misnumbered as Paragraph 127 on page 18 of Plaintiff's Amended Complaint).

130. Defendant denies the allegations contained in Paragraph 130 of Plaintiff's Amended Complaint (misnumbered as Paragraph 128 on page 18 of Plaintiff's Amended Complaint).

131. Defendant denies the allegations contained in Paragraph 131 of Plaintiff's Amended Complaint (misnumbered as Paragraph 129 on page 19 of Plaintiff's Amended Complaint).

132. Defendant denies the allegations contained in Paragraph 132 of Plaintiff's Amended Complaint (misnumbered as Paragraph 130 on page 19 of Plaintiff's Amended Complaint).

133. Defendant denies the allegations contained in Paragraph 133 of Plaintiff's Amended Complaint (misnumbered as Paragraph 131 on page 19 of Plaintiff's Amended Complaint).

134. Defendant denies the allegations contained in Paragraph 134 of Plaintiff's Amended Complaint (misnumbered as Paragraph 132 on page 19 of Plaintiff's Amended Complaint).

135. Defendant denies the allegations contained in Paragraph 135 of Plaintiff's Amended Complaint (misnumbered as Paragraph 133 on page 19 of Plaintiff's Amended Complaint).

136. Defendant denies the allegations contained in Paragraph 136 of Plaintiff's Amended Complaint (misnumbered as Paragraph 134 on page 19 of Plaintiff's Amended Complaint).

137. Defendant denies the allegations contained in Paragraph 137 of Plaintiff's Amended Complaint (misnumbered as Paragraph 135 on page 19 of Plaintiff's Amended Complaint).



138. Defendant denies the allegations contained in Paragraph 138 of Plaintiff's Amended Complaint (misnumbered as Paragraph 136 on page 19 of Plaintiff's Amended Complaint).

139. Defendant denies the allegations contained in Paragraph 139 of Plaintiff's Amended Complaint (misnumbered as Paragraph 137 on page 19 of Plaintiff's Amended Complaint), including all subparts thereto.

FOURTEENTH [sic] CAUSE OF ACTION

140. Defendant realleges and reincorporates by reference herein Paragraphs 1-139 of this Answer.

141. Defendant denies the allegations contained in Paragraph 141 of Plaintiff's Amended Complaint (misnumbered as Paragraph 139 on page 20 of Plaintiff's Amended Complaint).

FIFTEENTH [sic] CAUSE OF ACTION

142. Defendant realleges and reincorporates by reference herein Paragraphs 1-141 of this Answer.

143. Defendant denies the allegations contained in Paragraph 143 of Plaintiff's Amended Complaint (misnumbered as Paragraph 141 on page 20 of Plaintiff's Amended Complaint).

144. Defendant denies the allegations contained in Paragraph 144 of Plaintiff's Amended Complaint (misnumbered as

Paragraph 142 on page 20 of Plaintiff's Amended Complaint).

145. Defendant denies the allegations contained in Paragraph 145 of Plaintiff's Amended Complaint (misnumbered as Paragraph 143 on page 20 of Plaintiff's Amended Complaint).

146. Defendant denies the allegations contained in Paragraph 146 of Plaintiff's Amended Complaint (misnumbered as Paragraph 144 on page 21 of Plaintiff's Amended Complaint).

147. Defendant denies the allegations contained in Paragraph 147 of Plaintiff's Amended Complaint (misnumbered as Paragraph 145 on page 21 of Plaintiff's Amended Complaint).

148. Defendant denies the allegations contained in Paragraph 148 of Plaintiff's Amended Complaint (misnumbered as Paragraph 146 on page 21 of Plaintiff's Amended Complaint).

149. Defendant denies the allegations contained in Paragraph 149 of Plaintiff's Amended Complaint (misnumbered as Paragraph 147 on page 21 of Plaintiff's Amended Complaint).

150. Defendant denies the allegations contained in Paragraph 150 of Plaintiff's Amended Complaint (misnumbered as

Paragraph 148 on page 21 of Plaintiff's Amended Complaint).

151. Defendant denies the allegations contained in Paragraph 151 of Plaintiff's Amended Complaint (misnumbered as Paragraph 149 on page 21 of Plaintiff's Amended Complaint).

152. Defendant denies the allegations contained in Paragraph 152 of Plaintiff's Amended Complaint (misnumbered as Paragraph 150 on page 21 of Plaintiff's Amended Complaint).

SIXTEENTH [sic] CAUSE OF ACTION

153. Defendant realleges and reincorporates by reference herein Paragraphs 1-124 of this Answer.

154. Defendant denies the allegations contained in Paragraph 154 of Plaintiff's Amended Complaint (misnumbered as Paragraph 152 on page 21 of Plaintiff's Amended Complaint).

155. Defendant denies the allegations contained in Paragraph 155 of Plaintiff's Amended Complaint (misnumbered as Paragraph 154 on page 22 of Plaintiff's Amended Complaint).

156. Defendant denies the allegations contained in Paragraph 156 of Plaintiff's Amended Complaint (misnumbered as Paragraph 155 on page 22 of Plaintiff's Amended

Complaint).

157. All allegations contained in the prayer for relief in Plaintiff's Amended Complaint are hereby expressly denied.

158. All allegations contained in Plaintiff's Amended Complaint not heretofore specifically admitted or addressed herein are hereby expressly denied.

WHEREFORE, Defendant prays as follows:

(a) that Plaintiff's Amended Complaint be dismissed and all charges cast against the Plaintiff;

(b) that this honorable Court enter judgment against the Plaintiff and in favor of Defendants in the above-styled civil action on all Counts in Plaintiff's Amended Complaint;

(c) that Defendant be entitled to recover costs and attorneys' fees under Fed.R.Civ.P. 11 for having to defend this meritless, nonsensical civil action; and

(d) that Defendant have such other and further relief as this honorable Court deems just and proper.

Respectfully submitted this 8 day of June, 2009.

MCCURDY AND CANDLER, L.L.C.

By: /s/ Frank R. Olson  
Georgia Bar No. 553077  
Attorneys for Defendant Selene  
Finance LP

P.O. Box 57  
Decatur, Georgia 30031  
Telephone: 404-373-1612

CERTIFICATION

The foregoing document was prepared using the Microsoft Word 2003 word processing program, in 12-point Courier New font, all in compliance with LR 5.1, NDGa, and was filed electronically which will automatically give notice of said filing to all ECF participants, and the foregoing document was also served by regular United States mail to the following non-CM/ECF participants:

Judy Harper  
2982 Duke of Windsor  
East Point, GA 30344

Respectfully submitted this 8 day of June, 2009.

MCCURDY AND CANDLER, L.L.C.

By: /s/ Frank R. Olson  
Georgia Bar No. 553077  
Attorneys for Defendant Selene  
Finance LP

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